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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,239	11/06/2001	Michael Waller	9488.00	5480

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EXAMINER

ROSWELL, MICHAEL

ART UNIT PAPER NUMBER

2173

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/992,239		WALLER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Michael Roswell		2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of "and/or" fails to sufficiently limit the claim, rendering it indefinite. Dependent claims are similarly rejected.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

<sup>1-14</sup>  
Claims ~~1-10, 12-14~~, 21-22, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Tracy et al (US Patent 5,979,757), hereinafter Tracy.

RB

Regarding claim 1, Tracy teaches machine reading a tag carried by an item, and identifying an information resource address carried by the tag and accessing the identified resource to download from that resource information aggregated from a plurality of information suppliers in response to data carried by the tag (taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49).

Regarding claim 2, Tracy teaches machine reading a tag carried by an item, and identifying a plurality of information resource addresses carried by the tag and accessing the identified resources to download from that resource information from those resources in response to data carried by the tag (taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49).

Regarding claim 3, Tracy discloses prior art self-shopping or self-checkout systems, which are well known in the art to read the tag of an item upon placing the item onto or into a support surface, such as is found in supermarket check-out lines. See Tracy, col. 1, lines 56-60.

Regarding claim 4, Tracy teaches displaying downloaded information on or beside the bar code reader, at col. 5, lines 31-39. The disclosed prior art (col. 1, lines 56-60) is well known to contain a reader upon a support surface and display screen in the vicinity of the bar code reader.

Regarding claim 5, Tracy teaches providing a tagged item to a user having a tag reader, in response to use of the tag reader, identifying and accessing an information resource carried by the tag, and downloading information to the user from that resource information aggregated from a plurality of information suppliers (taught as the scanning of a code on selected merchandise, inherently supplied to the user by the commercial venue in which the portable

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data terminal is used, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49).

Regarding claim 6, Tracy teaches providing a tagged item to a user having a tag reader, in response to use of the tag reader, identifying and accessing a plurality of information resources carried by the tag, at least one address for each of the plurality of information suppliers, and downloading information to the user from the identified resource addresses (taught as the scanning of a code on selected merchandise, inherently supplied to the user by the commercial venue in which the portable data terminal is used, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49).

Regarding claim 7, Tracy teaches the plurality of information suppliers as providers of products or services to which the supplied information relates, and wherein the tagged item represents a theme to which the products or services relate, taught as the use of selection sensitive data, and the display of other data related to the tagged item, at col. 9, lines 60-65.

Regarding claim 8, Tracy teaches a user interface including a display and control input means associated with the display, a tag reader for reading a tag associated with an item (taught as the display, navigational pad and scanner of the portable terminal, at col. 5, lines 31-39), and means responsive to the tag reader for identifying an information resource address carried by the tag and accessing the identified resource to download from that resource

information aggregated from the plurality of information suppliers (taught as the ability of the terminal to communicate with a central host through a local area network in response to reading a bar code label, at col. 5, lines 48-53, and col. 6, lines 3-7). Tracy also teaches the retrieval of the related information from one or more remote file locations carried by machine-readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49.

Regarding claim 9, Tracy teaches a user interface including a display and control input means associated with the display, a tag reader for reading a tag associated with an item (taught as the display, navigational pad and scanner of the portable terminal, at col. 5, lines 31-39), and means responsive to the tag reader for identifying information resource addresses carried by the tag and accessing the identified resources to download from those resources (taught as the ability of the terminal to communicate with a central host through a local area network in response to reading a bar code label, at col. 5, lines 48-53, and col. 6, lines 3-7). Tracy also teaches the retrieval of the related information from one or more remote file locations carried by machine-readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49.

Regarding claim 10, Tracy teaches a control input means comprising a touch screen overlaying the display, taught as the use of a CGA or VGA type display having a touch sensitive surface, at col. 4, lines 4-5.

Regarding claim 11, Tracy teaches a tag reader comprising a reader/writer capable of writing data to a tag, taught as the integrated bar code reader of a terminal system that permits

collection (reading), storage (writing), and distribution of a high volume of data associated with a tag.

Regarding claim 12, Tracy teaches a decoder for identifying a coded information resource address carried by a tag (taught as a CCD bar code reader or other type of reader used to decode encoded indicia on an article, at col. 3, lines 32-38. Tracy has been shown *supra* to teach information resource addresses coded on a tag), and access means for accessing the identified information resource (taught *supra* by Tracy as the ability of the terminal to communicate with a central host through a local area network in response to reading a bar code label, at col. 5, lines 48-53, and col. 6, lines 3-7).

Regarding claim 13, Tracy discloses prior art self-shopping or self-checkout systems, which are well known in the art to read the tag of an item upon placing the item onto or into a support surface, such as is found in supermarket check-out lines. See Tracy, col. 1, lines 56-60.

Regarding claim 14, the prior art checkout systems of Tracy (col. 1, lines 56-60) are well known to include excitation means disposed under the support surface.

Regarding claim 21, Tracy teaches a tag including means for carrying an information resource address which, when read, identifies an information resource address carried by the tag and accesses the identified resource to download from that resource information aggregated from a plurality of information suppliers, taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval

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of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49.

Regarding claim 22, Tracy teaches a tag including means for carrying an information resource address which, when read, identifies a plurality of information resource addresses carried by the tag and accesses the identified resources to download information from those resources, taught as the scanning of a code on selected merchandise, the subsequent display of related information, at col. 8, lines 1-5, and the retrieval of the related information from one or more remote file locations carried by machine readable coded labels, in response to the scanning of a code, at col. 2, lines 41-49.

Regarding claims 27 and 28, Tracy teaches undertaking the processes of identifying and accessing automatically, and without human involvement, taught as the gathering of information in response to the scanning of a bar code by the card reader, at col. 8, lines 1-5, which may be contained at one or more remote file locations, as disclosed in col. 2, lines 41-49.

Regarding claims 29 and 30, Tracy teaches obtaining at least some of the resource information from multiple web sites, taught as the retrieval of data from a plurality of remote file locations, such as sites on the world wide web, at col. 2, lines 41-49.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.



Claims 15-20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tracy and Perkowski (WO 98/19259), as cited in the previous Office Action.

Regarding claims 15 and 16, Tracy and the prior art disclosed by Tracy teach a display attached to a tag reader and near a support surface, or projecting the display or reflecting the display upwardly from under the support surface.

However, Tracy fails to explicitly teach the display being presented by the support surface.

Perkowski teaches an apparatus for reading tags of items and displaying information linked to those items on a display screen (see page 10, line 24 - page 11, line 25). Furthermore, Perkowski teaches the display presented by the support surface, and projecting or reflecting the display upwardly from under the support surface. See Perkowski, Fig. 3A3, and page 44, line 15 - page 46, line 7.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Tracy and Perkowski before him at the time the invention was made to modify the tag reader and support surface of Tracy to include the display presented and projected by the support surface.

One would be motivated to make such a combination for the advantage of the compact size and ease of location an embedded display offers. See Perkowski, page 44, lines 10-14.

Regarding claim 17, the support surface of Perkowski includes a reader portion (scan able area) onto or into which a tagged item can be placed to read its tag and a display portion on which the display can be presented (LCD screen). See Fig. 3A3 and page 44, line 15 - page 46, line 11.

Regarding claim 18, the support surface of Perkowski is continuous between the reader portion (scan able area) and the display portion (LCD screen). See Fig. 3A3 and page 44, line 15 - page 46, line 7, which shows placing an item onto 37 with the bar code facing up results in reading the bar code (tag), and displaying the information resource on display (37). See page 46, lines 9-11.

Regarding claims 19-20, Perkowski discloses an embodiment as an item of furniture (table/counter top). See page 44, line 21.

Regarding claims 23 and 25, Perkowski discloses a method of tagging an item (i.e. product), the method comprising:

storing an [a plurality of] information resource address[es] (i.e. UPC or URL) on a tag;  
storing data (i.e. bar code) on the tag such that, when the data (bar code) is read (scanned), the information resource address[es] (URL) is/[are] identified and the identified resource[s] (web page) is accessed to download from that resource information aggregated from a plurality of information suppliers (producers); and applying the tag to the item (product). See page 10, line 10 - page 11, line 24, which describes which describes storing UPC linked data or URLs on the tag of a product.

Referring to claims 24 and 26, the information resource is an Internet or intranet resource addressable by a URL. See page 10, line 10 - page 11, line 24.

***Response to Arguments***

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**


Please note that the examiner of record has changed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
3/1/2005

  
**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**